

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: :
: Bankruptcy Case No. 02-10429
KAISER ALUMINUM CORP., : (JFK)
: Debtors. :
_____:

IN RE: :
: Misc. Case No. 06-41-JJF
KAISER ALUMINUM CORP., et al. :
: Debtors. :

O R D E R

WHEREAS, the Court was erroneously informed by the Bankruptcy Court that Appellant, Duncan J. McNeil, III, had paid the filing fee required to prosecute this action;

WHEREAS, 28 U.S.C. § 1914 requires the payment of the filing fee, unless the Appellant is granted leave to proceed in forma pauperis;

WHEREAS, Appellant has been deemed a vexatious litigant by other courts and is aware of the Court's filing fee requirement as evidenced by the Court's proceedings in Civil Action No. 05-574-JJF in which Appellant was denied leave to proceed in forma pauperis under 28 U.S.C. § 1915(g), because on three or more prior occasions while incarcerated he has brought an action that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted; see McNeil v. Kaiser Aluminum Corp., Civil Action No. 05-574, order at 2 (D. Del. Aug. 22, 2005); McNeil v. Kaiser Aluminum Corp.,

Civil Action No. 05-574, mem. order, at 6 (D. Del. Feb. 7, 2006);

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. The portion of the Court's Memorandum Order (D.I. 23) denying as moot Appellant's Motion To Proceed IFP is **VACATED**.

2. Appellant's Motion To Proceed IFP (D.I. 15-1) is **DENIED** pursuant to 28 U.S.C. § 1915(g).

3. Because of the expedited nature of the underlying proceedings, Appellant is required to submit the \$250.00 filing fee **by Monday, May 1, 2006, or this action will be dismissed without prejudice.**

4. The deadlines for briefing set by the Court in its April 13, 2006 letter (D.I. 16) are suspended pending payment by Appellant of the filing fee.

5. Because of the expedited nature of the underlying proceedings, the Court shall mail a copy of this Order to Appellant by overnight mail.

April 24, 2006
Date


UNITED STATES DISTRICT JUDGE